

AGENDA: July 8, 2003

5.1

CATEGORY: Public Hearing

DEPT.: Public Works

TITLE: Miramonte Reservoir Expansion,
Project 97-45—Certify Environmental
Impact Report (EIR) and Approve the
Proposed Project

RECOMMENDATION

After independently considering the significant environmental effects of the Miramonte Reservoir Expansion, Project 97-45, as shown in the final project Environmental Impact Report, staff recommends that the City Council adopt A RESOLUTION OF THE CITY OF MOUNTAIN VIEW CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MIRAMONTE RESERVOIR EXPANSION PROJECT; ADOPTING CEQA FINDINGS AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MEASURES AND A MITIGATION MONITORING PROGRAM; AND APPROVING THE MIRAMONTE RESERVOIR EXPANSION PROJECT, to be read in title only, further reading waived. This resolution takes the following actions:

1. Certifies that the Final Environmental Impact Report (FEIR) has been completed in compliance with the California Environmental Quality Act (CEQA) and reflects the independent judgment of the City of Mountain View.
2. Adopts the Findings of Fact (Findings) and Statement of Overriding Considerations (SOC) for the Project.
3. Adopts and implements all of the feasible mitigation measures identified and described in the Findings.
4. Adopts the Mitigation Monitoring Program (MMP) for the Project.
5. Approves the Miramonte Reservoir Expansion, Project 97-45 and Project 00-32, to design and construct a new 2.3 million gallon (MG) reservoir west of the existing Miramonte Reservoir.

FISCAL IMPACT

Two capital improvement projects (CIPs) have been established for the design and construction of the Miramonte Reservoir Expansion project. The design phase, Project 97-45, has a budget of \$951,300, and the construction phase, Project 00-32, has a total budget of \$5,800,000, including \$1,500,000 in additional funding authorized in the 2003-04 Capital Improvement Program, adopted on May 27, 2003.

BACKGROUND AND ANALYSIS

The Miramonte Reservoir Expansion project ("proposed project") would provide for the construction of a new 2.3 MG reservoir west of the existing Miramonte Reservoir and would achieve the recommended 3.0 MG water storage volume on the site set forth in the 1992 Water System Study.

On June 10, 2003, a study session was held to update the Council on the progress of the Miramonte Reservoir Expansion project and to summarize the environmental issues addressed in the project FEIR. Copies of the study session public notice, Council memo and the draft meeting minutes are provided as Attachment B. Councilmembers expressed general support for the project at the meeting and expressed interest in moving forward to address the City's critical shortage of municipal water storage for emergencies and fire protection.

The Council inquired about the potential to increase water storage on the site, over and above the 2.3 MG proposed in this project. Changes to the project scope would delay the project by approximately seven to nine months to revise and recirculate environmental documents and would be contrary to the reservoir design parameters communicated to the City of Los Altos in 2000. The proposed project meets the recommended water storage volume for the Miramonte Reservoir site, as set forth in the 1992 Water System Study, by providing a total of 3 MG of water storage on the site. In the future, the Council could reevaluate the potential for additional water storage when the existing reservoir reaches the end of its useful life and is replaced. At that point, the City will have the opportunity to consider construction of a new, larger reservoir that can utilize more of the property near the front of the site.

At the July 8, 2003 Council meeting, the Council can complete the environmental review portion of the project, per CEQA, by holding a public hearing and taking the actions required to certify the FEIR and approve the proposed project. Once the FEIR is certified and the project is approved, staff will proceed with the design of the reservoir, and construction should begin in summer 2004.

Remaining Steps in the Environmental Review Process

Under CEQA, the City was required, after completion of a Draft Environmental Impact Report (DEIR), to provide the general public and public agencies with an opportunity to comment on the DEIR. The City, as the lead agency, was also required to respond to significant environmental issues raised in those comments. The Miramonte Reservoir Expansion FEIR has been prepared to respond to public agency and general public comments received on the DEIR, which was circulated for public review June 12, 2002 to July 29, 2002, and to respond to verbal comments received at the public meeting, which was held on July 10, 2002. Based on these comments, a second study of the potential for seismic-induced slosh on the existing reservoir was conducted as well as a noise study to identify methods to further reduce temporary intermittent construction noise impact on adjacent residences.

The completed FEIR for the project incorporates by reference the contents of the DEIR, and, in addition, includes the following: the comments received on the DEIR, along with a list of persons and public agencies that submitted the comments; the City's responses to the comments; and an errata detailing any changes made to the text of the DEIR in response to the comments received. It also includes several additional studies that were performed in response to comments received. A copy of the FEIR (including the referenced DEIR) has been provided for the Council's review.

Certification of FEIR

CEQA requires that the City Council "certify" the FEIR before approving the proposed project analyzed in the document. According to the CEQA Guidelines, "certification" consists of three separate steps. The Council must conclude: first, that the document "has been completed in compliance with CEQA"; second, that the Council has reviewed and considered the information contained in the FEIR prior to approving the project; and third, that "the FEIR reflects Council's independent judgment and analysis."

Adoption of Findings of Fact and Statement of Overriding Considerations

CEQA also stipulates that an Environmental Impact Report (EIR) that identifies significant environmental effects associated with the project cannot be certified and a project cannot be approved without the agency first preparing written findings of fact (Findings) for each

significant environmental impact identified in the EIR. These Findings discuss how the significant environmental effects have been avoided, eliminated or substantially lessened by use of project mitigation measures, and they discuss why certain environmental impacts have been determined to be unavoidable and acceptable based on the fact that the economic, legal, social, technological or other benefits of the proposed project outweigh the unavoidable adverse environmental effects. In the case of a significant and unavoidable impact, the agency must not only write the Findings but also prepare a Statement of Overriding Considerations (SOC), providing specific reasons to support the agency's recommended decision to approve the proposed project despite any significant and unavoidable effects identified in the EIR.

The FEIR for the Miramonte Reservoir Expansion project describes a number of environmental impacts and mitigation measures that would help avoid or substantially reduce these impacts to less than significant. Only one environmental impact, temporary construction noise, would be significant and unavoidable for this project, even with the proposed mitigation measures. The FEIR also identifies and analyzes four alternatives to the proposed project, including a "no project" alternative. None of these alternatives are feasible based on specific economic, legal, social, technological or other considerations. Therefore, the City has prepared Findings and an SOC to explain why the benefits of building the new reservoir on the Miramonte site outweigh the temporary significant and unavoidable impacts of noise during construction operations as well as why the alternatives to the proposed project are infeasible. Both the Findings and the SOC are included in Attachment A as Exhibit "A."

Adoption of a Mitigation Monitoring Program (MMP)

As mentioned above, mitigation measures are presented in the FEIR to avoid or substantially lessen environmental effects of the project. To ensure the mitigation measures are implemented and monitored, CEQA requires that the City adopt a Mitigation Monitoring Program (MMP) that defines the implementation of mitigation measures, the timing of implementation, the parties responsible for implementing the measures and parties responsible for monitoring. Staff has prepared an MMP for the project which is included in Attachment A as Exhibit "B." This MMP must be adopted before the project can be approved.

After Council certifies the FEIR and adopts the Findings, SOC and MMP, the Council can then approve the project.

CONCLUSION

After analyzing the environmental effects of the proposed project and several alternatives to that project in the FEIR, staff recommends that the Council take the appropriate actions

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necessary to certify the project FEIR and approve the proposed project to construct a new 2.3 MG reservoir west of the existing reservoir on the Miramonte site.

PUBLIC NOTICING

Agenda posting. At least 10 days in advance of the July 8, 2003 Council meeting, all individuals and agencies that commented on the DEIR were notified of the Council's July 8, 2003 public hearing for the Miramonte Reservoir Expansion project and were also sent a copy of the FEIR, which responds to environmental issues raised by their comments. In addition, all residents within a 300' radius of the Miramonte Reservoir site and other agencies showing interest in the project, such as the City of Los Altos, were sent notices within that same time frame. The notice was also posted on the City's web site and the bulletin board in front of City Hall. The notice was also printed in the *San Jose Post Record*. A copy of the notice is included as Attachment C.

Prepared by:

Approved by:

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AMC/MF/9/CAM
905-07-08-03M-E^

Attachments:	Attachment A:	Resolution (including Exhibits A and B)
	Attachment B:	June 10, 2003 Study Session Notice, Council Memo and Draft Meeting Minutes
	Attachment C:	Notice of July 8, 2003 Public Hearing

cc: Mr. Phil Rose, City Manager
City of Los Altos

Mr. Jim Porter, Public Works Director
City of Los Altos

Ms. Kate Giberson
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Ms. Christine Lindow
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SCE—Sajjan, SCE—Callan, SAA—Irwin, PM—Kim, Project FEIR, F/c

CITY OF MOUNTAIN VIEW
RESOLUTION NO.
SERIES 2003

A RESOLUTION OF THE CITY OF MOUNTAIN VIEW CERTIFYING
THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
MIRAMONTE RESERVOIR EXPANSION PROJECT; ADOPTING CEQA FINDINGS
AND A STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION
MEASURES AND A MITIGATION MONITORING PROGRAM;
AND APPROVING THE MIRAMONTE RESERVOIR EXPANSION PROJECT

WHEREAS, the City of Mountain View's existing Miramonte Reservoir, with its current storage volume of 0.7 million gallons (MG), is inadequate to meet existing peak demand and emergency requirements within the City of Mountain View (City); and

WHEREAS, in 1992, the City of Mountain View commissioned a Water System Study to evaluate the City's water distribution system, including an estimate of anticipated needs through 2015; and

WHEREAS, the 1992 Water System Study recommended an increase of 2.0 MG in water storage capacity on the site to meet critical existing water system needs, based on the assumption that the existing Miramonte Reservoir is providing 1.0 MG, for a total of 3.0 MG; and

WHEREAS, in 1992, the City of Mountain View adopted a Master Plan that recommends constructing an additional 2.0-MG reservoir at the Miramonte site; and

WHEREAS, the Miramonte Reservoir Expansion Project (the "Project") would provide for the construction of a new 2.3-MG reservoir and would achieve the total 3.0-MG capacity recommended by the 1992 Water System Study; and

WHEREAS, in accordance with the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 *et seq.*, the City has prepared an Environmental Impact Report ("EIR") for the Project; and

WHEREAS, the City of Mountain View prepared and circulated for public comment a Draft EIR, responded to written and oral comments on the Draft EIR and gave all public notices in the manner and at the times required by law; and

WHEREAS, the Final EIR, including the Draft EIR and the Final Environmental Impact Report for Miramonte Expansion Project, was presented to the City Council and

the City Council has reviewed the Final EIR on the proposed Project and all associated staff reports, testimony and evidence constituting the record of proceedings herein; and

WHEREAS, the Final EIR identifies certain significant effects on the environment that would result from implementation of the proposed Project; and

WHEREAS, the Final EIR identifies mitigation measures which, when implemented, will substantially lessen or avoid the significant effects on the environment caused by the proposed Project; and

WHEREAS, the Final EIR identifies and analyzes alternatives to the proposed Project;

WHEREAS, the Mitigation Monitoring Program has been prepared pursuant to CEQA to monitor the changes to the Project, which the lead agency has adopted in order to mitigate or avoid significant effects on the environment;

NOW, THEREFORE, BE IT RESOLVED that the City of Mountain View, having independently considered the significant environmental effects of the Project as shown in the Final EIR for the Miramonte Reservoir Expansion Project:

1. Certifies that the Final EIR has been completed in compliance with CEQA and reflects the independent judgment of the City, and
2. Adopts the Findings of Fact and Statement of Overriding Considerations, attached hereto as Exhibit "A," for the Project, and
3. Adopts and implements all of the feasible mitigation measures identified and described in the Findings, and
4. Adopts the Mitigation Monitoring Program, attached hereto as Exhibit "B," for the Project, and
5. Approves the Miramonte Reservoir Expansion Project.
